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October 12, 2004

United States Federal Communications Commission
ATTN: Marlene H. Dortch, Secretary
445 12th Street SW
Washington, DC 20554

Subject: Comments on Notice of Proposed Rule Making, EB Docket No. 04-296

Dear Secretary Dortch:

On behalf of Entergy Nuclear Northeast, I am pleased to take this opportunity to respond to the Notice of Proposed Rule Making regarding Emergency Alert Systems approved by the Commission on August 4, 2004 and released on August 12, 2004.

Entergy Nuclear Northeast owns and operates five electric generating nuclear power reactors in New York, Massachusetts, and Vermont and manages one electric generating power reactor in Nebraska under contract to the Nebraska Public Power District.

Effective emergency planning and the ability to notify members of the emergency response community and the public are cornerstones of the commercial nuclear electric generating industry. All nuclear power reactors must have effective communications capabilities to achieve that cornerstone in the interest of protecting public health and safety in the very unlikely event of a serious accident at a nuclear power plant. We very much appreciate the FCC's action to examine the Emergency Alert System (EAS) in an effort to achieve a greatly improved and robust system for ensuring that the public can be made aware of conditions and the actions they should take to achieve optimum protection.

One criticism of government programs in the past has been that they lack coordination across jurisdictions. On July 2, 2002, as part of its series of reports on homeland security, the General Accounting Office (GAO) issued a report entitled "Intergovernmental Coordination and Partnership will be Critical to Success" ¹ in which it gave special attention to the need to enhance the role and functions of regional organizations in emergency management.

Two key paragraphs (with emphasis added) follow:

"Our fieldwork at federal agencies and at local governments suggests a shift is potentially underway in the definition of roles and responsibilities between federal, state and local governments with far reaching consequences for homeland security and accountability to the public. The challenges posed by the new threats are prompting offices at all levels of government to rethink long-standing divisions of responsibilities for such areas as fire services, local infrastructure protection and airport security. **The proposals on the table recognize that the unique scale and complexity of these threats call for a response that taps the resources and capacities of all levels of government as well as the private sector.**"

"Governments at the local level are also moving to rethink roles and responsibilities to address the unique scale and scope of the contemporary threats from terrorism. Numerous local general-purpose governments and special districts co-exist within metropolitan regions and rural areas alike. **Many regions are starting to assess how to restructure relationships among contiguous local entities to take advantage of economies of scale, promote resource sharing, and improve coordination of preparedness and response on a regional basis.**"

The technology exists to create a more effective and reliable standardized warning infrastructure. The range of delivery systems runs the gamut from high-tech messaging to word of mouth. Mass media (television and radio broadcasters, cable system operators, satellite broadcasters and internet providers) can play a dominant role in emergency communications, given their ability to rapidly and simultaneously reach large and diverse groups of people. What is lacking, until now, is a definition of the desired characteristics of the improved system, its standards, processes and the coordination of public and private efforts.

In spite of the 9/11 experiences, alert and warning systems have not been a priority for State and local governments as a critical first responder tool. The FCC should encourage DHS / FEMA and other elements of the Department of Homeland Security (DHS) to review NFPA 1600² to define interoperable alert and warning systems as a top priority for preparedness programs.

The Present Emergency Alert System:

We agree with the Commission that the present EAS concept is in urgent need of an upgrade. The present system design is greater than fifty years old and does not reflect the current state of technology nor the need for reaching broad segments of society using a wide variety of communications modalities.

Attributes of a Future Alert and Warning System:

We believe the following are attributes of an improved alerting system (which could include EAS):

1. Accomplishes two missions:
 - Initial alerting through multiple channels to obtain attention of public that an important message is being transmitted;
 - Detailed messages containing information that will enable effective protective actions.
2. Ability to reach public using multiple modalities including but not necessarily limited to:
 - Commercial broadcast radio;
 - Commercial broadcast television;
 - Cable radio;
 - Cable television via interruptible screen scrolling;
 - Internet;
 - Cellular phone networks through voice and text messaging;
 - Land phone systems using high speed multiple dialing systems;
 - Satellite radio;

² National Fire Protection Association (NFPA); this standard that establishes criteria for disaster management, emergency management, and business continuity programs. The 9/11 Commission recommended this standard be considered for the private sector as well.

- Satellite television;
 - Pagers;
 - PDAs;
 - Digital receivers incorporated into home appliances;
 - Digital receivers incorporated into business machines;
 - Highway alerting signs;
 - Programmable highway road signs (billboards);
 - Tone Alert Radio;
 - National Weather Service broadcast radio;
3. Participation in the system should be mandatory for regulated communications modalities:
- Participation for non-regulated modalities should be encouraged through incentives including grants, tax relief, and the like;
 - The Federal Government should adopt the Common Alerting Protocol (CAP) standard for use by manufacturers of devices capable of receiving digital signals. The Department of Homeland Security and National Weather Service have already implemented the Common Alerting Protocol (CAP) that is an open, non-proprietary standard data interchange format that can be used to collect all types of hazard warnings and reports for local, regional and national dissemination. The CAP protocol is published by OASIS (Organization for the Advancement of Structured Information Standards) as 200402, March 2004

Additional Recommendations:

- The FCC should engage DHS / FEMA to encourage the adoption and use of new technology for alert notification and public warnings for its clients;
- Through FCC rule making, future emergency alert and notification communications systems and protocols should be required to meet OASIS CAP guidance;
- FCC through its rulemaking and other regulatory influence, should encourage free market development of alternative systems for more effective public alert and warning;
- The FCC should encourage and support public / private partnerships with broadcast and other media to build more effective alert and public warning systems.
- The FCC and DHS should use existing grant programs to encourage State and local governments to expedite development of integrated alert and warning systems as a critical first responder tool using the OASIS CAP through public / private media partnerships;
- The FCC should provide specifications to DHS / FEMA and other federal agencies to support incorporation of alert and warning technology (such as hardware, software, and support infrastructure that meets the OASIS CAP standard) into the Standard Equipment List (SEL) and the Office of Domestic Preparedness "Authorized Equipment List";
- The FCC should coordinate with the Nuclear Regulatory Commission and DHS / FEMA to ensure that any alert notification rule making is consistent with the current regulations and guidelines (10 CFR50.47, 44 CFR 350, and NUREG 0654). Within the scope of these regulations, the use of improved technology for alerts and warnings should be encouraged.

Joint Vision 2020 is an unclassified 35-page statement of the who, what, why and how of the U.S. military through the year 2010. In essence, it's the military's master plan or strategic concept guide points out that the primary challenge of interagency operations is achieving unity of effort despite differing cultures, competing interests, the lack of formal command relationships, and, in many cases, a lack of adequate resources. To cope in this environment, Joint Vision 2020 recommends that military forces be "proactive" in dealing with outside organizations or—to put it another way—commanders should "just make the coordination happen."³

In responding to this rule-making proposal, I am urging all the Federal agencies that have an interest in this matter to do the same.

I thank you for the opportunity to comment on this milestone initiative.



Michael J. Slobodien
Director, Emergency Programs

³ DoD, Joint Vision 2020, 18.